



Housing Act 2004

2004 CHAPTER 34

PART 7

SUPPLEMENTARY AND FINAL PROVISIONS

Meaning of “house in multiple occupation”

255 HMO declarations

- (1) If a local housing authority are satisfied that subsection (2) applies to a building or part of a building in their area, they may serve a notice under this section (an “HMO declaration”) declaring the building or part to be a house in multiple occupation.
- (2) This subsection applies to a building or part of a building if the building or part meets any of the following tests (as it applies without the sole use condition)—
 - (a) the standard test (see section 254(2)),
 - (b) the self-contained flat test (see section 254(3)), or
 - (c) the converted building test (see section 254(4)),and the occupation, by persons who do not form a single household, of the living accommodation or flat referred to in the test in question constitutes a significant use of that accommodation or flat.
- (3) In subsection (2) “the sole use condition” means the condition contained in—
 - (a) section 254(2)(d) (as it applies for the purposes of the standard test or the self-contained flat test), or
 - (b) section 254(4)(e),as the case may be.
- (4) The notice must—
 - (a) state the date of the authority’s decision to serve the notice,
 - (b) be served on each relevant person within the period of seven days beginning with the date of that decision,

Status: This is the original version (as it was originally enacted).

- (c) state the day on which it will come into force if no appeal is made under subsection (9) against the authority's decision, and
 - (d) set out the right to appeal against the decision under subsection (9) and the period within which an appeal may be made.
- (5) The day stated in the notice under subsection (4)(c) must be not less than 28 days after the date of the authority's decision to serve the notice.
- (6) If no appeal is made under subsection (9) before the end of that period of 28 days, the notice comes into force on the day stated in the notice.
- (7) If such an appeal is made before the end of that period of 28 days, the notice does not come into force unless and until a decision is given on the appeal which confirms the notice and either—
 - (a) the period within which an appeal to the Lands Tribunal may be brought expires without such an appeal having been brought, or
 - (b) if an appeal to the Lands Tribunal is brought, a decision is given on the appeal which confirms the notice.
- (8) For the purposes of subsection (7), the withdrawal of an appeal has the same effect as a decision which confirms the notice appealed against.
- (9) Any relevant person may appeal to a residential property tribunal against a decision of the local housing authority to serve an HMO declaration.

The appeal must be made within the period of 28 days beginning with the date of the authority's decision.
- (10) Such an appeal—
 - (a) is to be by way of a re-hearing, but
 - (b) may be determined having regard to matters of which the authority were unaware.
- (11) The tribunal may—
 - (a) confirm or reverse the decision of the authority, and
 - (b) if it reverses the decision, revoke the HMO declaration.
- (12) In this section and section 256 "relevant person", in relation to an HMO declaration, means any person who, to the knowledge of the local housing authority, is—
 - (a) a person having an estate or interest in the building or part of the building concerned (but is not a tenant under a lease with an unexpired term of 3 years or less), or
 - (b) a person managing or having control of that building or part (and not falling within paragraph (a)).